

REMARKS

In this paper, claims 1 and 5 are currently amended. After entry of the above amendment, claims 1-20 are pending.

Claims 1, 2 and 4-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Mackinnon (GB 2,161,040). This basis for rejection is respectfully traversed.

Claim 1 has been amended to clarify that the voltage decreasing unit provides a signal to activate a current drawing unit in response to the detection of the selected condition so that the current drawing unit draws current from the battery unit to cause the voltage of the battery unit to decrease. Mackinnon discloses an electrical power supply for a pedal-driven vehicle wherein a voltage level sensor and switch (6) monitors the level of the voltage provided from a generating means (1, 2, 3) that includes an alternator (1). If the generator voltage is above a predetermined level, then voltage is supplied to the regulator (7) and load (8) from the generating means (1, 2, 3). However, if the generator voltage falls below the predetermined level, then voltage level sensor and switch (6) supplies voltage to the regulator (7) and load (8) from a battery pack (5) instead of from the generating means (1, 2, 3).

The office action refers to page 1, lines 125-127 as disclosing a selected condition that ordinarily does not require current from the battery. However, page 1, lines 125-127 states, in context, that during operation of the Mackinnon device, electric power is supplied from the generating means (1, 2, 3) when the vehicle is moving at a suitable speed, whereas power is supplied from the battery pack (5) when the vehicle is moving too slowly to drive the generator at a reasonable rate, or when the vehicle is stationary. However, there appears to be no support from that passage that the Mackinnon circuit detects a selected condition that ordinarily does not require current from the battery. The "selected condition" was not identified in the office action, and none can be identified in Mackinnon. Claim 1 also requires a voltage decreasing unit that provides a signal to activate a current drawing unit in response to the detection of the selected condition so that the current drawing unit draws current from the battery unit to cause the voltage of the battery unit to decrease. No such signal to activate a current drawing unit can be found in Mackinnon.

The office action states that Mackinnon actually discloses “decreasing battery voltage when the condition detecting unit detects the selected condition,” but this express disclosure was not identified, and no such express disclosure could be found by the applicant. While it is true that the claims do not exclude additional functions, it still must be shown where the recited functions in actually exist in the prior art. Finally, in order to properly reject claims on the basis of anticipation, a recited claim feature must necessarily be present in a single reference. There is no basis to conclude that Mackinnon provides a signal to activate a current drawing unit in response to the detection of a selected condition that ordinarily does not require drawing current so that the current drawing unit draws current from the battery unit to cause the voltage of the battery unit to decrease despite the fact that there is no need for current to be drawn from the battery unit.

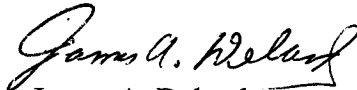
Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mackinnon in view of Hideki (JP 9-271102). This basis for rejection is respectfully traversed for the reasons noted above.

Furthermore, it is submitted that Hideki is nonanalogous art. Hideki is directed to the field of motor vehicles, whereas the invention recited in the applicant’s claims is directed to the field of bicycles. The problem to be solved by Hideki is to eliminate uneven charging of capacitor units (51) that form a power supply device (431). By contrast, the problem to be solved by the present invention is to prevent shortened battery life caused by increased temperatures and other environmental factors. Thus, there is no adequate relation between the two references.

Finally, Hideki discloses a power supply device (431) comprising a plurality of capacitors (51) for a motor vehicle, wherein capacitors (51) are coupled to a discharging resistor (432) when the vehicle is stopped for 30 minutes or more. Applying this teaching to Mackinnon would result in a device that discharges Mackinnon’s battery pack (5) when battery pack (5) is needed to power the lighting elements comprising the load (8), thereby destroying the ability of battery pack (5) to power the lighting elements. It is not obvious to modify a prior art device in a manner that destroys the operation of that device. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Accordingly, it is believed that the rejections under 35 U.S.C. §102 and §103 have been overcome by the foregoing and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "James A. Deland".

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